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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/158,031 11/26/93 FILEPP

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24M1/0412

R	FRD006
EXAMINER	
SMITH, M	

ART UNIT	PAPER NUMBER
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2412

DATE MAILED: 04/12/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10-26-94  
1-12-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-17 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-17 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 10-26-94, has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other \_\_\_\_\_

**EXAMINER'S ACTION**

Art Unit: 2301

1. Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- the phrase "at least one procedures" is vague and indefinite (claim 3, line 3 and 4).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5, 8, 9 and 12-17 are rejected under 35 U.S.C. § 102(a) as being anticipated by Microsoft Windows; Version 2.0.

As per independent claim 1, 2.0 teaches generating a screen display that includes a plurality of partitions that may be reused and generating at least a first partition for presenting applications (With Windows, you can run several different applications at once, and switch from one to another without quitting any of them) (Book 1, page viii). 2.0 also teaches generating concurrently with the first partition a second partition for presenting command functions (drop-down menus) (Book 1, page x).

Art Unit: 2301

As per claim 2, 2.0 teaches providing the command functions with a command for moving between available applications (alt+tab) (page 83, lines 19-34) as well as using the mouse to select desired applications. 2.0 also teaches subgroup command functions (using the Fonts command) (Book 4, page 36, line 7 - page 37, lines 12).

As per claims 3, 4 and 10, 2.0 teaches subgroup command functions (using the Fonts command) (Book 4, page 36, line 7 - page 37, lines 12).

As per claim 5, 2.0 teaches entering a character string to search for an application (Search) (command bar, bottom Figure page xi).

As per claims 8 and 9, 2.0 teaches using a physical analogy to select a desired application (Paint commands) (top Figure, page xii).

As per claims 12 and 14, 2.0 teaches multiple screen partitions (Figure, page x).

As per claim 13, 2.0 inherently teaches advertising. 2.0 teaches using various art to represent various displays (icons). therefore it is inherent that if the intent was to sell a product then one could create an ad of some sort.

As per claims 15-17, 2.0 teaches partitions with fields (Figure, page viii).

Art Unit: 2301

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 6, 7, 10 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Microsoft Windows; Version 2.0.

As per claims 6 and 7, it is old and well known to use an index or directory when searching such as that found in an Help command, therefore it would have been obvious to one of ordinary skill in the art to use a feature such as this in order to enable easier searches.

As per claims 10 and 11, It would have been obvious to one of ordinary skill in the art at the time of invention to let the user program order of selected applications therefore allowing for more efficient user interaction during further processing.

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6. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 10-26-94 have been approved by the examiner.

7. Applicant's arguments filed 1-12-95 have been fully considered and they are deemed to be persuasive (page 6).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Smith whose telephone number is (703) 305-9797. The examiner can normally be reached on Monday-Thursday from 7:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 305-9701. The fax phone number for this Group is (703) 305-9564(65).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

*Heather R. Herndon*  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
GROUP 2300

*MSS*  
MSS

April 11, 1995